



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
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September 12, 2001

TO: Washington State Board of Health Members  
FROM: Carl Osaki, Member  
RE: Update on WAC 246-217-025—Issuance of Food Worker Cards—Fees

**Background and Summary:**

In November 1999, the Board's executive director signed a CR-101 indicating the Board's intention to consider raising the fee for food worker cards (attached). The Board heard from several local health jurisdictions that the current fee of \$8.00 per card did not reflect the actual cost of food worker training, testing, and administration. RCW 69.06.020 directs the Board to set a fee for food worker cards that is commensurate with these costs. The \$8.00 fee was established in rule by the Board in 1991 and has not been raised since.

In January 2000, the Board revised WAC 246-217, adding an extra 30 minutes of interactive training to the standard training required to obtain a food worker card. To evaluate the efficacy of this rule change, I asked the Environmental Health Directors' Food Committee to survey the local health jurisdictions (LHJs) to determine the value and cost associated with implementing the additional training requirement. The committee conducted a survey in March 2000 (attached) but stated that the LHJs "would not venture a guess as to the cost of the enhanced programs" (letter from John Thayer, April 5, 2000, attached). At this time the Board has no conclusive information about incremental costs associated with the January 2000 rule revision.

The Food Committee conducted a more targeted survey of costs associated with issuing food worker cards in May 2001 (attached). The May 2001 survey, with 22 of 24 LHJs responding, indicates that some of the larger LHJs may be able to recover their costs with the \$8.00 fee; however the majority of small and medium LHJs report costs ranging from \$9.00 to \$12.00 per card. The May 2001 survey did not determine what portion of the training cost if any was due to enhanced training requirements.

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Along with obtaining input from the local health jurisdictions on food worker card fees, the Board contacted the Washington Restaurant Association, the Washington Food Industry, and Adult Family Home Sponsors for their perspectives on a possible fee increase. The Washington Restaurant Association is against raising the fee because of the hardship it might cause to food workers and because of its ability to train King County food workers within the present fee of \$8 (see attached email from Gene Vosberg).

It is the opinion of the Board's counsel that the food worker card fee is a state fee for purposes of Initiative Measure 601 and RCW 43.135 and therefore cannot be increased by more than the fiscal growth factor unless the Legislature grants an exemption to 601 or approves the new fee amount (see memo from Melissa Burke-Cain, September 5, 2001, attached). I therefore proposed that the Board, through the Department of Health, ask the Legislature for an exemption to the I-601 restriction so that it has the ability to raise the food worker card fee. A draft memorandum from Chair Lake to Secretary Selecky summarizing this request is attached.

#### **Recommended Board Motions:**

The State Board of Health shall request through the Department of Health that the Legislature grant an exemption under I-601, giving the Board the option to raise the food worker card fee.

Attachments: CR-101, Food Worker Card Fees, November 1999  
Linda Lake, State Board of Health, memorandum, draft  
Melissa Burke-Cain, Attorney General's Office, memorandum, Sept. 5, 2001  
John Thayer, Environmental Health Directors, memorandum, April 5, 2000  
Environmental Health Directors Food Committee, survey results, May 2001  
Gene Vosberg, Washington Restaurant Association, e-mail, Aug. 30, 2001